

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Proposed Amendments to the Service Rules)	PS Docket No. 13-87
Governing Public Safety Narrowband Operations in)	
the 769-775/799-805 MHz Bands)	
)	
The Development of Operational, Technical and)	WT Docket No. 96-86
Spectrum Requirements for Meeting Federal, State)	
and Local Public Safety Communications)	
Requirements Through the Year 2010)	
)	
National Public Safety Telecommunications)	RM-11433
Council Petition for Rulemaking on Aircraft Voice)	
Operations at 700 MHz)	
)	
National Public Safety Telecommunications)	RM-11433
Council Petition for Rulemaking to Revise 700)	
MHz Narrowband Channel Plan)	
)	
Region 24 700 MHz Regional Planning)	WT Docket No. 96-86
Committee Petition for Rulemaking)	PS Docket No. 06-229
)	
State of Louisiana Petition for Rulemaking)	RM-11577

**COMMENTS OF PUBLIC SAFETY REGION 28
REGIONAL PLANNING COMMITTEE**

The Public Safety Region 28 Regional Planning Committee (RPC28) submits the following comments in this proceeding on behalf of its membership. Region 28 includes the entire State of Delaware, the southern portion of the State of New Jersey, and the eastern portion of the Commonwealth of Pennsylvania. The Region is highly populated and includes the nation's fifth most populous city, Philadelphia.

RPC28 applauds the Commission for the changes made to date in this critical spectrum area, and in particular those rules and changes that were adopted in the Seventh Report and Order. RPC28 has a large and active membership that is engaged in current spectrum issues. Many of the Region's members are current or pending 700 MHz licensees, so the topics of this Notice are of great importance to not only the Region, but to most of its members. As a result, the RPC28 leadership reviewed the R&O and Notice

at its May, 2013 meeting in detail and facilitated an informative and engaging discussion. To ensure the broadest participation in this important proceeding, RPC28 leadership convened a phone conference for members to attend that was facilitated in a similar manner to the regional meeting. Attendance at both meetings was substantial – a total of 17 agencies were represented, 9 of which are current license holders, and 2 SWICs.

The comments below were generated and circulated for comment by all of the members – whether they participated in the meetings or not. In most cases the Region’s members were in alignment with the issues, however for those topics for which there was not consensus the difference is noted.

A. December 31, 2016 Deadline for Narrowbanding Transition to 6.25 KiloHertz Bandwidth Technology

There was broad consensus among the members that the 6.25 kHz Narrowband Transition Deadline should be lifted and removed entirely. Members expressed concerns that the deadline created a financial hardship for system operators and users and it precluded the use of otherwise functional equipment with significant useful life remaining. In one example, several smaller agencies in New Jersey sought to join the State’s 700 MHz PSIC network, but the additional cost of APCO P25 Phase II (TDMA) equipment was prohibitive. The system owner acknowledged that the additional loading placed on the system by these users would be negligible, and had no objection to the agencies transitioning. Furthermore, the system owner had APCO P25 Phase I (only) equipment that was available to assist in the transition, but both parties were reluctant to transition due to the potential obsolescence of the equipment in the very near term.

Alternatively, another member expressed concerns that the lifting of the 6.25 kHz Narrowband Transition Deadline would require system operators to allow APCO P25 Phase I (only) equipment to be used on their systems. Many of the RPC28 members have already made substantial financial and operational commitments to more spectrally efficient technologies like APCO P25 Phase II, and would be adversely impacted if the rules were changed in a manner that now required them to allow the use of less spectrally efficient technologies.

This example is repeated throughout the Region by other agencies, and it highlights the primary reason why *RPC28 strongly urges the Commission to remove the 6.25 kHz Narrowband Transition Deadline*. Many local conditions and circumstances must be considered in a decision such as this, and we encourage the Commission to relinquish that authority to the Regional Planning Committees. RPC28 members were in broad consensus that system owners and operators should be able to present the facts and local circumstances of their proposed plans to the Region and seek consideration on an individualized basis.

We concur.

B. 2010 NPSTC Petition – Air-Ground Communications on Secondary Trunking Channels

RPC28 members did not wholly object to this portion of the NPSTC petition, though some concerns were raised. Members felt that power output should be limited to less than 10 watts, and that some notification and coordination with adjacent Regions should occur due to the proximity of these channels to other interoperability spectrum.

C. 2008 NPSTC Petition – Proposed Revisions to 700 MHz Narrowband Channel Plan

1. Nationwide Interoperability Travel Channel

RPC members wholly support this portion of the NPSTC petition. Members felt that it was in the best interests of the users, and also recognized that this change would be more procedural than regulatory; that is, there was recognition that the proposed use of the spectrum was likely already occurring out of need rather than being inhibited.

2. Tactical Voice Communications on Data Interoperability Channels

RPC28 members did not wholly object to this portion of the NPSTC petition. The topic and potential uses of the spectrum were explained in detail, however there was not a significant discussion among RPC members and there was no opposition.

3. Reserve Channels

Region 28 includes Philadelphia which is one of the 11 major markets throughout the country in which operation in the 470-512 MHz band (“T-Band”) spectrum is

permitted. Several counties throughout the Region have applied for and been granted waivers of the 80 km T-Band limit in order to construct extensive public safety land mobile systems.¹ In most cases these agencies moved to T-Band due to a lack of sufficient spectrum in all other bands – including 800.

In New Jersey, many agencies that were T-Band users have flocked to 700 in order to alleviate the disastrous effects of DTV interference.

The Southeastern Pennsylvania Transportation Authority operates a mass transit system throughout the Region with the sixth largest ridership in the United States. With nearly 100 million annual riders, the agency communicates with its fleet of vehicles on a five-county T-Band trunked radio system. In four of the five counties, the geo-political entities in each have secured the available CAPRAD-allotted spectrum and are building countywide public safety communications networks, leaving no easily-accessible spectrum for SEPTA.

These conditions – lack of available spectrum in other bands and the mass exodus of T-band to 700 – have created an environment in which 700 MHz spectrum is already scarce as currently allotted. Since the Commission’s Public Notice, DA 13-187 (February 11, 2013), in the above-captioned proceeding concerning implementation of the Section 6103 of the Middle Class Tax Relief and Job Creation Act of 2012 (the “Act”) as it applies to the 470-512 MHz band (the “T-Band”), membership at RPC28 meetings and interest in 700 MHz allocations has increased.²

¹ York County, Dauphin County, Lancaster County

² As explained in the Public Notice (footnotes omitted):

Section 6103 provides that, not later than nine years after the date of enactment, the Commission shall (1) “reallocate the spectrum in the 470-512 MHz band ... currently used by public safety eligibles,” and (2) “begin a system of competitive bidding under Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to grant new initial licenses for use of the spectrum.” It provides that “relocation of public safety entities from the T-Band Spectrum” shall be completed not later than two years after completion of the system of competitive bidding, and that proceeds from the auction of T-Band spectrum “shall be available to the Assistant Secretary [of Commerce for Communications and Information] to make grants in

(continued....)

T-Band users have expressed concerns that there will no longer be sufficient spectrum to accommodate their needs in future years as they transition from their current systems. At the same time, both T-Band users and other members of RPC28 are reluctant to simply add the Reserve Channel spectrum to the General Use pool immediately. Rather, RPC28 members were in agreement that the pending transition of T-Band users to other bands, specifically 700 MHz, represented a *developing need*.

RPC28 members recommend that the Commission adopt a policy which gives incumbent T-Band users priority access to the Reserve Channel spectrum, but only after the licensee has demonstrated to the RPC that all other available spectrum is either unavailable or incompatible with the system design proposed. Accordingly, the Commission may best implement this approach by delegating control of the assignment of Reserve Channel spectrum to the RPC, as they are in the best position to evaluate future applications given the complex local conditions in each area of the country.

In summary, RPC28 recognizes that there is no greater “developing need” for the 700 MHz Reserve Channel spectrum than that which it has created with the T-Band freeze and eventual migration. As such, RPC28 recommends that the Commission delegate control of the assignment of Reserve Channel spectrum to the Regional Planning Committees.

4. Power Limit for Low Power Channels

RPC28 members did not concur with NPSTC petition on this topic. Members felt that an increase to 20W would create unnecessary interference that would impact incumbents, and that any additional coordination requirements would be difficult, at best, to enforce due to the itinerant and transient nature of the use of these channels. Members were in agreement that an increase to 3W would be acceptable in order to take advantage

(...continued from previous page)

such sums as necessary to cover relocation costs for the relocation of public safety entities from the T-Band spectrum.”

of the full capabilities of the subscriber equipment, but were adamant that 20W was excessive and unacceptable.

D. Miscellaneous Issues

1. Project 25 Compliance Assessment Program

RPC28 members recommended that the Commission consider this an operational issue and not act on it as part of the rulemaking process. The use of specific equipment on a public safety system should be regulated entirely by the system operator, and should not be the purview of the Commission. The Commission's regulatory process regarding subscriber equipment should end with type acceptance, and instead allow the system operator the freedom to develop a list of acceptable equipment based on local conditions rather than arbitrary rulemaking.

2. ACP Requirements for Class B Signal Boosters

RPC28 has no opinion on this engineering topic.

3. Narrowband Power Limits

RPC28 has no opinion on this engineering topic.

4. Interoperability Network Access Code

RPC members were in broad agreement that a standard Network Access Code (NAC) should be established. By its very nature, interoperability requires standards to be effective and in most cases these standards must be enforceable to be effective. In order to create the least financial impact to incumbent users, RPC28 recommends that the Commission codify the requirements for NACs as provided for in the National Interoperability Field Operations Guide, version 1.4, specifically:

“Digital P25 operations on non-Federal interoperability channels should transmit the default Network Access Code (NAC) \$293, and receive with NAC \$F7E (accept any incoming NAC). Specify talkgroup \$FFFF, which includes everyone.”

5. User Access to Interoperability Channels

RPC28 members agreed that while requiring the programming of all interoperability channels in all radios would result in increased capabilities in some cases, these would be far outweighed by the operational and financial impacts of such a change. RPC28 members support the requirement suggested by the Commission, that subscriber equipment *should be capable* of being programmed on the interoperability channels, rather than required to have them all programmed.

6. Analog Operation on the Interoperability Channels

RPC28 members discussed this topic at length, and agreed that interoperability rules should accommodate a variety of modes in order to best accommodate the operational needs of the users. RPC28 members were sensitive to the needs of the fire service and the work that has been done relative to audio quality over digital modes when communicating through self-contained breathing apparatus.

RPC28 supports the use of both analog and digital modes on interoperability channels, and acknowledges that this is an operational decision that should be made by the user given local conditions and circumstances.

On behalf of the Region 28 Regional Planning Committee Members,

/s/

Mark A. Grubb, Chairman
Region 28, 700 MHz and 800 MHz
Division of Communications
Department of Safety and Homeland Security
3050 Upper King Road
Dover, Delaware 19904-6410